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Applic. No. 10/762,151
Amdt. dated March 14, 2008
Reply to Office action of December 14, 2007

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-3 and 5-32 remain in the application. Claims 1 and 20 have been amended. Claim 4 was previously cancelled. Claims 21-32 have been withdrawn from consideration.

In item 3 on page 2 of the above-identified Office action, claims 1-3 and 5 have been rejected as being fully anticipated by Brück et al. (U.S. Patent No. 6,040,064) (hereinafter "Brück") under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 36, lines 1-3 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 20 call for, *inter alia*:

the sleeves having structures for compensation of changes in circumference of the honeycomb structure, the structures of the inner sleeve and the structures of the outer sleeve being configured for engaging in one another and adjacent structures of the sleeves being configured for at least partially contacting one another, thereby defining a zone of friction between the inner sleeve and the outer sleeve and impeding a relative movement of the sleeves in relation to one another.

It is respectfully noted that the corporate assignee of the Brück reference is also the assignee of the instant application. Furthermore, Mr. Brück is the first named inventor in the reference as well as the instant application. Therefore, applicants are very familiar with the Brück reference.

The Brück reference discloses a honeycomb body that is surrounded by a thermal insulation including several metal foils with microstructures (column 2, line 33). Brück discloses contact areas between the isolating metal foils that are as small as possible so that heat is not transported to the surrounding casing (column 2, line 41, column 7, line 11). To this end, the structures (5) are constructed so that the metal foils forming the insulation layer cannot interlock with each other thus forming contact areas between them that would

provide a heat bridge, which would transfer more heat than necessary from the honeycomb body to the casing (column 7, line 17). In order to improve the insulating efficiency of the insulating layer Brück discloses that the area between the insulating metal foils should be evacuated and therefore closed against the outside surrounding air (column 4, line 38).

On page 3 of the Office action the Examiner alleges that Brück discloses that "said structures of said inner sleeve and said structures of said outer sleeve engaging one another (clearly indicated in Fig. 4) and adjacent structures of said sleeves bearing at least partially against one another (clearly indicated in Fig. 4)."

Fig. 4 of Brück does not show that the microstructures on the sheet layer (4) **engage and contact** microstructures (5) on the sheet layer (34). Instead, Brück explicitly discloses that the sheet layers (4) are free of microstructures (5). Brück discloses that the microstructures (5) are only present on the sheet layer (34) and the sheet layers (4) are disposed between the sheet layers (34). Therefore, the microstructures (5) (all on sheet layers 34) do not engage and contact one another. Furthermore, Brück explicitly discloses that the layer (4) is a smooth layer (column 5, line 66).

The reference does not show the sleeves having structures for compensation of changes in circumference of the honeycomb structure, the structures of the inner sleeve and the structures of the outer sleeve being configured for engaging in one another and adjacent structures of the sleeves being configured for at least partially contacting one another, thereby defining a zone of friction between the inner sleeve and the outer sleeve and impeding a relative movement of the sleeves in relation to one another, as recited in claims 1 and 20 of the instant application. Brück discloses that one sheet layer has microstructures. Brück does not disclose structures of an inner sleeve and structures of an outer sleeve engage and contact one another. This is contrary to the invention of the instant application as claimed, in which the sleeves have structures for compensation of changes in circumference of the honeycomb structure, the structures of the inner sleeve and the structures of the outer sleeve are configured for engaging in one another and adjacent structures of the sleeves are configured for at least partially contacting one another, thereby defining a zone of friction between the inner sleeve and the outer sleeve and impeding a relative movement of the sleeves in relation to one another.

Since claim 1 is allowable over Brück, dependent claims 2, 3, and 5 are allowable over Brück as well.

In item 4 on page 4 of the Office action, claim 1 has been rejected as being fully anticipated by Lebold et al. (U.S. Patent No. 5,482,686) (hereinafter "Lebold") under 35 U.S.C. § 102.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 20 call for, *inter alia*:

an inner sleeve being a sheet metal foil at least partially surrounding the honeycomb structure, and an outer sleeve being a sheet metal foil at least partially surrounding the honeycomb structure.

The Lebold reference discloses an intumescent mat (22) material made up of fibers and a ceramic fiber layer (26), which surround a catalyst (18) inside a casing tube (12).

The reference does not show an inner sleeve being a sheet metal foil at least partially surrounding the honeycomb structure, and an outer sleeve being a sheet metal foil at

least partially surrounding the honeycomb structure, as recited in claims 1 and 20 of the instant application. The Lebold reference discloses an intumescent mat and a ceramic fiber mat surrounding a monolith. Lebold does not disclose an outer sheet metal foil sleeve and an inner sheet metal foil sleeve. This is contrary to the invention of the instant application as claimed, in which an inner sleeve is a sheet metal foil at least partially surrounding the honeycomb structure, and an outer sleeve is a sheet metal foil at least partially surrounding the honeycomb structure.

In item 5 on page 5 of the above-identified Office action, claims 1-3, 6-15, 17, 18, and 20 have been rejected as being fully anticipated by Ota et al. (U.S. Patent No. 5,486,338) (hereinafter "Ota") under 35 U.S.C. § 102.

The Ota reference was discussed in a telephonic interview between the Examiner and undersigned on March 7, 2008. Claims 1 and 20 were discussed with respect to the Ota reference. The Examiner indicated that he did not consider the limitation of "bearing at least partially against each other" to limit that structures actually touch one another. The Examiner agreed that structures of the Ota do not contact or touch each other. The Examiner indicated that such a limitation such as "contacting" would most likely overcome the 35 U.S.C. §102

rejection over Ota. As such claim 1 has been amended as discussed in the telephonic interview.

The Ota reference discloses a columnar metal honeycomb body (3) that is a spirally wound laminate of a flat metal foil (7) and a corrugated metal foil (8). The honeycomb body has a smooth outer surface that is defined by the flat metal foil (7) and is surrounded by a metal case (2) with a smooth inner surface. Ota disclosed that a cushion member (5) is disposed in the space between the case (2) and the honeycomb body (3). Ota discloses that the cushion members (5) are joined to the inner surface of the case (2) and to the outer surface of the honeycomb (3) alternatingly with respect to the column circumference by joints arranged at selected intervals (column 4, line 20).

The reference does not show the sleeves having structures for compensation of changes in circumference of the honeycomb structure, the structures of the inner sleeve and the structures of the outer sleeve being configured for engaging in one another and adjacent structures of the sleeves being configured for at least partially contacting one another, thereby defining a zone of friction between the inner sleeve and the outer sleeve and impeding a relative movement of the sleeves in relation to one another, as recited in claims 1 and

20 of the instant application. Ota discloses a cushion member that is connected to a case and a honeycomb body by joints. Ota does not disclose structures of an inner sleeve and structures of an outer sleeve engage and contact one another. This is contrary to the invention of the instant application as claimed, in which the sleeves have structures for compensation of changes in circumference of the honeycomb structure, the structures of the inner sleeve and the structures of the outer sleeve are configured for engaging in one another and adjacent structures of the sleeves are configured for at least partially contacting one another, thereby defining a zone of friction between the inner sleeve and the outer sleeve and impeding a relative movement of the sleeves in relation to one another.

Since claim 1 is allowable over Ota, dependent claims 2-3, 6-15, 17, and 18 are allowable over Ota as well.

In item 7 on page 9 of the Office action, claim 5 has been rejected as being obvious over Ota (U.S. Patent No. 5,486,338) under 35 U.S.C. § 103. Since claim 1 is allowable, dependent claim 5 is allowable as well.

In item 8 on page 9 of the Office action, claim 16 has been rejected as being obvious over Ota (U.S. Patent No. 5,486,338)

in view of Yamada et al. (U.S. Patent Application Publication No. 2001/0036427 A1) (hereinafter "Yamada") under 35 U.S.C. § 103. Yamada does not make up for the deficiencies of Ota. Since claim 1 is allowable, dependent claim 16 is allowable as well.

In item 9 on page 10 of the Office action, claim 19 has been rejected as being obvious over Ota (U.S. Patent No. 5,486,338) in view of Wieres (WO 97/15393) under 35 U.S.C. § 103. Wieres does not make up for the deficiencies of Ota. Since claim 1 is allowable, dependent claim 19 is allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 20. Claims 1 and 20 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-3 and 5-32 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone

call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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For Applicant(s)

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